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January 24, 2016

Via ECF
Honorable Roslynn R. Mauskopf
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East, 505 North
Brooklyn, NY 11201

**Re: Francesco Portelos v. New York City Department of Education et al.,
12 CV 3141 (RRM) (VMS)
Plaintiff's Opposition to Defendant's Request for Extension for
Summary Judgment for Six Additional Weeks**

Dear Judge Mauskopf:

I am the attorney for Plaintiff in the above-referenced First Amendment retaliation action. I write this letter to respectfully request that the Defendants' request for an extension to file its Summary Judgment motion for six additional weeks be summarily denied, and the matter be scheduled for trial as soon as possible.

While typically I would have no issue consenting to a request for an extension, this request does not appear to be made entirely in good faith on the part of Defendants. My client filed this complaint back in June 2012. After our last conference before Your Honor, we made many attempts to talk about settlement in the last several weeks with Ms. Jain's predecessor Ms. Rowntree, who represented that she was genuinely interested in trying to resolve the matter. Since Ms. Jain has taken over, Defendants have refused to engage in any settlement talks, have refused to make any offer whatsoever, and have steadfastly refused to even schedule a settlement conference before a magistrate judge. Refusing to engage in any good faith negotiations, Ms. Jain now requests six additional weeks to perfect her attempt to dismiss my client's case, and brazenly asks my client to consent to this extension with nothing in return.

This case is now assigned a fourth attorney from the city, and my client's rights to a prompt resolution of this case should not be violated every time a new attorney is assigned to the case and needs to catch up. Ms. Jain's predecessor represented over the last several weeks that she would be working on the motion while she pursued settlement possibilities. Upon information and belief, Ms. Giambrone, who primarily conducted discovery in the case, also remains employed at the Law Department.

Therefore, we would respectfully ask that Defendants adhere to the timeline agreed to at our last conference before Your Honor. If Defendants are not prepared to file its motion timely, it is respectfully suggested that Defendants be ordered to forego their summary judgment motion filing altogether and that this matter be promptly scheduled for trial. *See Perez v. NYCDOE*, 14 CV 9553 (SDNY) (AT) (matter scheduled for trial by district court without opportunity for City defendants to file summary judgment motion).

Thank you very much for your consideration of this request to honor the original briefing schedule or otherwise set this matter down for trial.

Respectfully submitted,

/s

Bryan D. Glass, Esq.

Attorney for Plaintiff

c: Courtney Fain, Esq., Assistant Corporation Counsel, Attorney for Defendants (via ECF)